

REMARKS

Claims 1-3, 9-14, 18-19 and 22-24 are currently rejected by the Office. Claims 16-17 were previously withdrawn from consideration. Claims 4-8, 15, 20-21 were previously canceled. In this paper, Applicant has amended dependent claims 24-26 and added new dependent claims 27-29. No claims have been cancelled in this paper. Accordingly, upon entry of this paper, claims 1-3, 9-14, 16-19 and 22-29 will be pending. Consideration of the following remarks is requested.

I. Applied Prior Art

The Office has rejected the claims under 35 U.S.C. 103(a) as being unpatentable over Ogawa (US2004/0124668) in view of Tusim (WO 1999/061283). The Office has rejected claims 25-26 under 35 U.S.C. 103(a) as being unpatentable over Ogawa (US2004/0124668) in view of Tusim (WO 1999/061283) and in further view of Sandoe (US2001/0036788). Prior to addressing the merits of the rejections in section II of this paper, Applicant provides the following remarks.

A. Ogawa

The Office has relied upon Ogawa's Figure 5B since the 3rd Non-Final Office Action dated April 26th, 2010. Applicant respectfully submits, however, that a reference numeral typographical error at Figure 5B has resulted in the Office misconstruing and misapplying Ogawa against the claimed invention.

In addressing the error, Applicant refers the Office to both of Figures 5A, 5B (*noting that Applicant has marked-up Figure 5B*) and to paragraph [0063], as follows:

[0063] The heat insulation section to be used is not limited to one type, and combinations of a plurality of types of the heat insulation section may be employed. Embodiments thereof are shown in FIGS. 5A and 5B. FIG. 5A shows an embodiment in which the heat insulation treatment is partially performed by attaching a heat insulator sheet 6 on the upper part of the back surface of the outer panel 1 and providing the high reflectivity material 5 on the upper part of the front surface of the inner panel 2. FIG. 5B shows an embodiment in which the heat insulation treatment is partially performed by attaching a heat insulator sheet 6 on the upper part of the back surface of the outer panel 1 and then providing the high reflectivity material 5 thereon.

FIG.5A

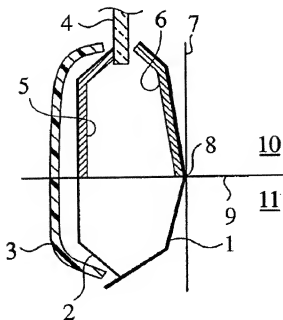
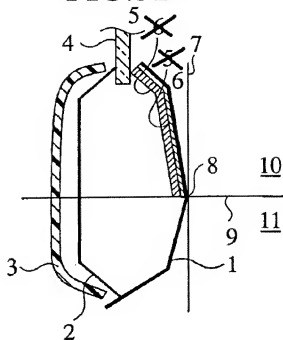


FIG.5B



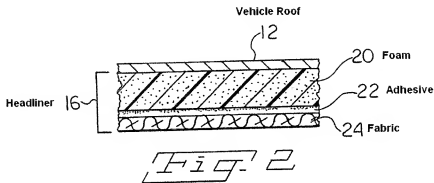
When considering what is actually described at paragraph [0063], and, by comparing the cross-hatching of the layers 5, 6 in Figure 5A with the cross-hatching of the layers in Figure 5B, it is abundantly clear that, in Figure 5B, the “reflective material” 5 is arranged upon an inboard surface of the “insulator sheet” 6. Further, paragraph [0063] makes it clear that each of Figures 5A-5B

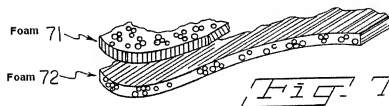
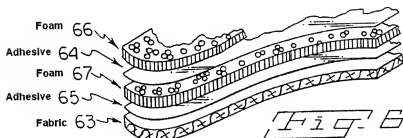
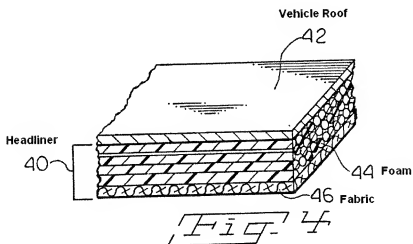
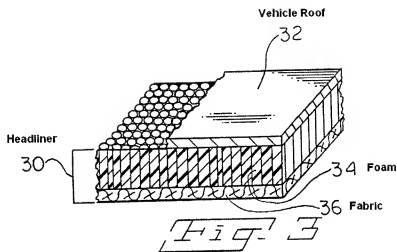
show that “the heat insulation treatment is partially performed by attaching a heat insulator sheet 6 on the upper part of the back surface of the outer panel 1” (emphasis added where underlined).

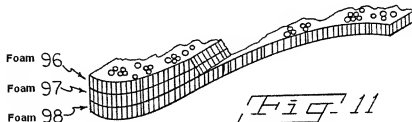
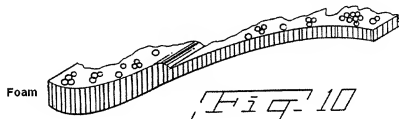
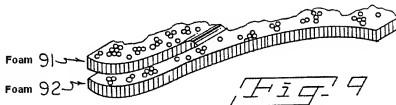
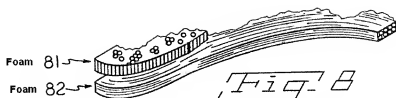
In view of the above clarification of the reference numeral typographical error in Figure 5B, it is clear that the “reflective material” 5 is **not** disposed upon the outboard surface of the “insulator sheet” 6. As a result, the “reflective material” 5 is **unable** to match a topography of an inboard-facing surface of a vehicle roof. Further, as a result, the “reflective material” 5 is **prohibited** from being positioned completely against, or, being attached to the inboard-facing surface of the vehicle roof.

B. Tusim

In order to quickly understand Tusin’s disclosure, Applicant provides the following marked-up views of Tusin’s Figures 2-4 and 6-11:







II. Rejections Under 35 U.S.C. §103(a)

The Office rejected the claims at pages 2-9 of the present Non-Final Office Action as follows:

1. Claims 1-3, 9-14, 18-19 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa (2004/0124668) in view of Tusim (WO99/61283).
10. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa (2004/0124668) in view of Tusim (WO99/61283) and Sandoe (US2001/0036788).

The rejection is traversed in view of the following remarks.

Regarding Independent Claim 1

Among other features, independent claim 1 requires the first film layer having heat reflection qualities is bonded, *without adhesive*, to the *outboard* surface of the core layer. In view of the remarks provided in section I of this paper, Applicant submits that any permissible combination of the applied prior art fails to disclose at least the above feature. Withdrawal of the rejection to independent claim 1 is solicited.

In view of the above remarks, Applicant submits that because independent claim 1 is non-obvious and therefore allowable over the art of record, Applicant also directs the Office's attention to M.P.E.P. §2143.03, which states the following:

**2143.03 All Claim Limitations Must Be
>Considered< [R-6]

**** "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).**

Claims 2-3, 24 and 27 depend directly or indirectly from independent claim 1. Therefore, claims 2-3, 24 and 27 are also non-obvious. Withdrawal of the rejection to claims 2-3, 24 and 27 is requested. Allowance of claims 1-3, 24 and 27 is solicited.

Regarding Independent Claim 9

Among other features, independent claim 9 requires the heat formable metalized layer bonded to the *outboard* surface of the core layer and *positioned completely against* the passenger-compartment-facing *inboard* surface of the structural outer roof panel. In view of the remarks provided in section I of this paper, Applicant submits that any permissible combination of the applied prior art fails to disclose at least the above feature. Withdrawal of the rejection to independent claim 9 is solicited.

In view of the above remarks, Applicant submits that because independent claim 9 is non-obvious and therefore allowable over the art of record. See M.P.E.P. §2143.03. Claims 10-14, 25 and 28 depend directly or indirectly from independent claim 9. Therefore, claims 10-14, 25 and 28 are also non-obvious. Withdrawal of the rejection to claims 10-14, 25 and 28 is requested. Allowance of claims 9-14, 25 and 28 is solicited.

Regarding Independent Claim 18

Among other features, independent claim 18 requires the thermoformed, metalized film layer is facing and attached to the passenger-compartment-facing *inboard* surface of the vehicle roof. In view of the remarks provided in section I of this paper, Applicant submits that any permissible combination of the applied prior art fails to disclose at least the above feature. Withdrawal of the rejection to independent claim 18 is solicited.

In view of the above remarks, Applicant submits that because independent claim 18 is non-obvious and therefore allowable over the art of record. See M.P.E.P. §2143.03. Claims 19, 22-23, 26 and 29 depend directly or indirectly from independent claim 18. Therefore, claims 19, 22-23, 26 and 29 are also non-obvious. Withdrawal of the rejection to claims 19, 22-23, 26 and 29 is requested. Allowance of claims 18-19, 22-23, 26 and 29 is solicited.

III. New Claims

Applicant has added new claims 27-29. The subject matter (i.e., the second film layer / the decorative layer including a fabric) of new claims 27-29 is taken from dependent claims 24-26. Accordingly, Applicant has cancelled the limitation “the second film layer / the decorative layer including a fabric” from dependent claims 24-26, thereby leaving “the second film layer / the decorative layer including a fabric” of dependent claims 24-26 to only include a metalized film.

IV. Finality of Next Action / Invitation to Examiner to Phone Applicant's Representative

In view of the fact that the Office has misconstrued / misapplied Ogawa against the claimed invention for the last several Actions, and, because Applicant has not amended independent claims 1, 9 and 18 in this paper, Applicant hereby requests that if a subsequent Action is to be issued, that

the Office make such an Action Non-Final. Further, Applicant notes that the present Action has resulted in a 4th Non-Final Office Action for the present file wrapper; in view of the uncharacteristically prolonged prosecution of the present matter, and, in an effort to reduce prosecution costs, Applicant requests that Examiner Clark telephonically contact Applicant's representative in order to advance prosecution on the merits via the telephonic interview practice that has been encouraged by the POPA.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-3145, under Order No. 225300-104849 from which the undersigned is authorized to draw.

Dated: May 2, 2011

Respectfully submitted,

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